

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEANNA M. PROOST,

Plaintiff,

Case No. 17-11133

v.

Honorable John Corbett O'Meara

VILLAGE OF CARLETON,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiff Deanna M. Proost recently filed a two-count complaint in this court alleging violations of Title VII of the Civil Rights Act in Count I and violations of Michigan's Elliott-Larsen Civil Rights Act ("ELCRA") in Count II.

Although Count I, arising under federal law, is cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Count II are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claim to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

**ORDER**

It is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: June 2, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 2, 2017, using the ECF system.

s/William Barkholz  
Case Manager